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UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL EXHIBITS TO  
THEIR ADMINISTRATIVE MOTION  
TO SUPPLEMENT THEIR MOTION  
TO EXCLUDE THE TESTIMONY OF  
MICHAEL WAGNER (DKT. 1619)**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal their exhibits to their Administrative Motion to Supplement Their Motion to Exclude Testimony of Michael Wagner (Dkt. 1619). Specifically, Defendants request an order granting leave to file under seal the following documents, all of which are confidential:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>
Exhibit 1 to the Declaration of Halley Josephs	Entirety	Plaintiff Defendants
Exhibit 2 to the Declaration of Halley Josephs	Entirety	Plaintiff
Exhibit 3 to the Declaration of Halley Josephs	Entirety	Plaintiff
Exhibit 4 to the Declaration of Halley Josephs	Entirety	Defendants
Exhibit 5 to the Declaration of Halley Josephs	Entirety	Defendants
Exhibit 6 to the Declaration of Halley Josephs	Entirety	Defendants
Exhibit 7 to the Declaration of Halley Josephs	Entirety	Defendants

Exhibit 1 to the Josephs Declaration is the transcript of the deposition of Waymo’s damages expert Michael Wagner, which has been designated “Highly Confidential – Attorneys’ Eyes Only” and contains highly confidential material from both parties in accordance with the Patent Local Rule 2-2 Interim Model Protective Order (“Protective Order”), which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6). Pursuant to the Protective Order, the parties have 21 days to designate specific portions of the testimony as confidential or highly confidential. In the interim, Defendants ask the Court to seal the entirety of

1 the transcript. Defendants file this material under seal in accordance with Paragraph 14.4 of the  
2 Protective Order. (Josephs Decl. ¶ 3.)

3 Exhibits 2 and 3 to the Josephs Declaration are the report and reply report of Waymo's  
4 damages expert Michael Wagner, which have been designated "Highly Confidential – Attorneys'  
5 Eyes Only" by Waymo in accordance with the Patent Local Rule 2-2 Interim Model Protective  
6 Order ("Protective Order"), which the parties have agreed governs this case (Transcript of  
7 3/16/2017 Hearing, page 6). Defendants file these material under seal in accordance with  
8 Paragraph 14.4 of the Protective Order. (Josephs Decl. ¶ 4.)

9 Exhibits 4-7 to the Josephs Declaration contain highly confidential information regarding  
10 Uber's business forecasts and projections, organization run rates, negotiation strategies, market  
11 comparables, development strategies and performance on milestones, and responses to  
12 interrogatories regarding time and cost estimates for redesign of accused features. This highly  
13 confidential information is not publicly known, and its confidentiality is strictly maintained.  
14 Disclosure of this information could allow competitors to obtain a competitive advantage over  
15 Uber by giving them details into Uber's business and development strategies, such that they could  
16 tailor their own strategies and Uber's competitive standing could be significantly harmed.  
17 (Josephs Decl. ¶ 5.)

18 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the  
19 documents at issue, with accompanying chamber copies.

20 Defendants served Waymo with this Administrative Motion to File Documents Under  
21 Seal on September 25, 2017.

22 For the foregoing reasons, Defendants request that the Court enter the accompanying  
23 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and  
24 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –  
25 ATTORNEYS' EYES ONLY."

1 Dated: September 25, 2017

SUSMAN GODFREY LLP

2 By: /s/ Halley Josephs

3 Halley Josephs

4 Attorneys for Defendants  
5 UBER TECHNOLOGIES, INC. and  
6 OTTOMOTTO LLC  
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